

1 James Shannon (SBN 232039)  
2 Ryan M. Christian (SBN 239660)  
**KIRKLAND & ELLIS LLP**  
3 555 California Street  
4 San Francisco, California 94104-1501  
Telephone: (415) 439-1400  
Facsimile: (415) 439-1500  
Email: rchristian@kirkland.com

5

6 Attorneys for Plaintiffs  
7 FINANCIAL TECHNOLOGY MANAGEMENT, LLC, et al.

8

9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

11

12 FINANCIAL TECHNOLOGY  
13 MANAGEMENT, LLC, A CITIZEN OF  
DELAWARE AND CALIFORNIA;  
14 FINANCIAL TECHNOLOGY  
15 MANAGEMENT II, LLC, A CITIZEN OF  
DELAWARE AND CALIFORNIA;  
16 FINANCIAL TECHNOLOGY VENTURES  
(Q), L.P., A CITIZEN OF DELAWARE AND  
17 CALIFORNIA; FINANCIAL TECHNOLOGY  
VENTURES II (Q), L.P., A CITIZEN OF  
DELAWARE AND CALIFORNIA,

Case No. 3:06-cv-00350  
Judge Conti

18 Plaintiffs,  
19 vs.  
20 RICHARDSON M. ROBERTS, A CITIZEN OF  
TENNESSEE,  
21 Defendant.

22

23

24 Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiffs hereby voluntarily dismiss  
25 this suit against Defendant Richardson M. Roberts. This dismissal is without prejudice and has been  
26 filed before service by Defendant Richardson M. Roberts of an answer or of a motion for summary  
27 judgment.

28

1 Dated: April 7, 2006.

Respectfully submitted,

2 **KIRKLAND & ELLIS LLP**

3 By: James Shannon

4  
5 James Shannon (SBN 232039)  
6 Ryan M. Christian (SBN 239660)  
7 **KIRKLAND & ELLIS LLP**  
8 555 California Street  
9 San Francisco, California 94104-1501  
10 Telephone: (415) 439-1400  
11 Facsimile: (415) 439-1500  
12 Email: rchristian@kirkland.com

13 Attorneys for Plaintiffs  
14 FINANCIAL TECHNOLOGY MANAGEMENT, LLC, et al.



21  
22  
23  
24  
25  
26  
27  
28

## PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California. I am over the age of eighteen years and not a party to this action. My business address is Kirkland & Ellis LLP, 555 California Street, San Francisco, California 94104. On April 7, 2006, I served the following document(s), described as:

1. NOTICE OF VOLUNTARY DISMISSAL; and
2. PROOF OF SERVICE

on the following counsel of record and/or interested party(ies) in this action, as follows:

Richard L. Robbins  
Sutherland, Asbill & Brennan LLP  
999 Peachtree Street, N.E.  
Atlanta, GA 30309-3996  
Phone: 404-853-8000

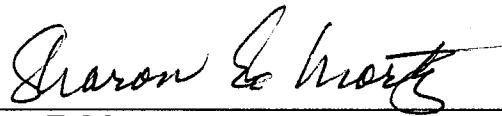
John M. Gillum,  
Brett A. Oeser  
Manier & Herod  
One Nashville Place, Suite 2200  
150 Fourth Avenue North  
Nashville, TN 37219  
Phone: 615-244-0030

Angela L. Padilla  
Morrison Foerster  
425 Market Street  
San Francisco, CA 94105-2482

- [x] **(BY MAIL)** By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid in the ordinary course of business.
- [ ] **(BY OVERNIGHT MAIL)** By causing the document(s) listed above to be delivered to the addressee(s) set forth below on the following business morning by Federal Express Corporation or Express Mail.
- [ ] **(BY HAND)** I cause these documents to be personally served in such envelope by hand to the person at the address set forth below:
- [ ] **(BY FAX)** By transmitting via facsimile, the document(s) listed above to the fax number set forth above on this date before 5:00 p.m. I am aware that service is presumed invalid unless the transmission machine properly issues a transmission report stating the transmission is complete and without error.

1 I declare that I am employed in the office of a member of the bar of this court at whose  
2 direction the service was made.

3 Executed on April 7, 2006, at San Francisco, California.

4  
5   
6

Sharon E. Mortz

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28